

Int'l App. No.: PCT/GB00/01522  
Int'l Filing Date: 19 April 2000

*cont'd*  
*a2*  
5. (Amended) A Polymorph according to claim 1, which provides an X-ray powder diffraction (XRPD) pattern substantially in accordance with Figure IV and/or Table II.

6. (Amended) A Polymorph according to claim 1, in isolated form.

7. (Amended) A Polymorph according to claim 1, in pure form.

8. (Amended) A Polymorph according to claim 1, in crystalline form.

*a3*  
14. (Amended) A method for the treatment and/or prophylaxis of diabetes mellitus, conditions associated with diabetes mellitus and certain complications thereof, in a human or non-human mammal which comprises administering an effective, non-toxic, amount of Polymorph according to claim 1 to a human or non-human mammal in need thereof.


#### REMARKS

The above-identified application is being entered into the National Phase from PCT application No. PCT/GB00/01522.

Applicants have amended the claims to put them in conformity with U.S. practice. Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

No new matter has been introduced.

Respectfully submitted,

  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Specification:**

An abstract has been added.

**In the Claims:**

Claims 11-13 have been canceled.

1. (Amended) A polymorphic form of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, maleic acid salt (the Polymorph) [characterized in that it provides:] comprising:
  - (i) an infra red spectrum containing peaks at 1752, 1546, 1154, 621, and 602  $\text{cm}^{-1}$ ; and/or
  - (ii) a Raman spectrum containing peaks at 1751, 1243 and 602  $\text{cm}^{-1}$ ; and/or
  - (iii) a solid-state nuclear magnetic resonance spectrum containing peaks at 111.9, 114.8, 119.6, 129.2, 134.0, 138.0, 144.7, 153.2, 157.1, 170.7, 170.7, 172.0 and 175.0 ppm; and/or
  - (iv) an X-ray powder diffraction (XRPD) pattern which gives calculated lattice spacings of 6.46, 5.39, 4.83, 4.68, 3.71, 3.63, 3.58, and 3.48 Angstroms.
3. (Amended) A Polymorph according to claim 1 [or claim 2], which provides a Raman spectrum substantially in accordance with Figure II.
4. (Amended) A Polymorph according to [any one of] claim[s] 1 [to 3], which provides a solid-state nuclear magnetic resonance spectrum substantially in accordance with Figure III and/or Table I.
5. (Amended) A Polymorph according to [any one of] claim[s] 1 [to 4], which provides an X-ray powder diffraction (XRPD) pattern substantially in accordance with Figure IV and/or Table II.
6. (Amended) A Polymorph according to [any one of] claim[s] 1 [to 5], in isolated form.
7. (Amended) A Polymorph according to [any one of] claim[s] 1 [to 6], in pure form.
8. (Amended) A Polymorph according to [any one of] claim[s] 1 [to 7], in crystalline form.

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14. (Amended) A method for the treatment and/or prophylaxis of diabetes mellitus, conditions associated with diabetes mellitus and certain complications thereof, in a human or non-human mammal which comprises administering an effective, non-toxic, amount of Polymorph according to claim 1 to a human or non-human mammal in need thereof.